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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,899	12/13/2000	Mark Levine	CU-2415	8396

7590 12/31/2003

Ladas & Parry
224 South Michigan Avenue
Chicago, IL 60604

EXAMINER

JASMIN, LYNDIA C

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,899

Applicant(s)

LEVINE, MARK

Examiner

Lynda Jasmin

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-80 is/are pending in the application.
- 4a) Of the above claim(s) 29-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Amendment received October 28, 2005 has been acknowledged. Claims 1-28 and 46 have been cancelled, and claims 47-80 have been added.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 60, 61, 76 and 77 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 60 and 76 the recitation "said device analysis unit is operative to generate a third control signal" renders the claims indefinite and unclear since a first and second control signals have not been previously generated.

Same as in claims 61 and 76, the recitation "said device analysis unit is operative to generate a fourth control signal" renders the claims indefinite and unclear since a second and third control signals have not been previously generated. Clarification is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 47-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen et al. (2002/0016921), in view of Meade, II et al. (2003/017685 A1).

As best understood, Olsen et al. discloses a disbursement tracking system and computer readable storage medium as claimed having, an input (via spool 106) for receiving input signals conveying data (from clients station 102) associated with a document a user desires to generate on an output device (via printer 116), a processing unit (via printing control system 100) coupled to the input (106), the processing unit (100) operative to: extract from the input signals (spooled data file) document print information (via 112) and device information (via 114) (box 60, lines 15-23), generate a print job file including data contained in the document print information (via the job database 110), an output (via communication link 118) coupled to the processing unit (100) for releasing the print job document to the output device (116).

Olsen et al further discloses if the status of the output device (116) requires cost allocation data (via user identifying unit 132), the processing unit (printer communication unit) is operative to: retrieve from the user the cost allocation data (via checking user pin code), attempt to validate the cost allocation data (via validating users on the basis of the user identifying data input), and if the cost allocation data is validated, insert the validated cost allocation data into the output signal (as disclosed in box 67). The output signal is a print job file (via print job data file); the processing unit includes a document analysis unit (via print engine 142) operative to spool the document print information extracted from the input signals into the print job file (box 67, lines 19-27). The

processing unit also includes a device analysis unit (via control unit 120) operative to determine the status of the output device on a basis of the device information extracted from the input signals (see box 65). The device information includes an identifier of the output device on which the document is to be generated (box 67, lines 14-16). The device analysis unit (120) includes a machine-readable storage medium holding a data structure storing status information (server 136). The device analysis unit (120) is operative to consult the data structure (format) on a basis of the identifier to determine the status information for the output device (as disclosed in box 79). The device analysis unit (120) includes a user interface (124) permitting the user to enter the cost allocation data (user identifying data). The cost allocation data (via 132) includes a user identification number and a file number (via a print job header associated to the secured and spooled document). The output device is a digital printer/copier device (network printer 116).

Although Olsen et al. discloses a card 132 for identifying the particular user and is constituted by a credit card holding information regarding financial credit. However, Olsen et al. does not explicitly disclose determining a status of the output device including an indication of a cost allocation data requirement of the output device and processing the print job on the basis of the cost allocation data requirement of the output device.

Meade, II et al. discloses the concept of tracking usage information for an output device including hard copy cost recovery system. Meade, II et al. further discloses that determinations can be made as to the cost of the consumable resources that are

utilized for any particular print job, such usage information then enables proper allocation of cost to specific print jobs.

From this teaching of Meade, li et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cost allocation data of Olsen et al. to include processing print job on the basis of the cost allocation data requirement of the output device as taught by Meade, II et al. in order to better enable a user to track costs for consumable usage and distribute such costs between particular print jobs.

Response to Arguments

6. Applicant's arguments with respect to claims 47, 63, 79 and 80 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Aboujaoude discloses a system for remotely monitoring copier.

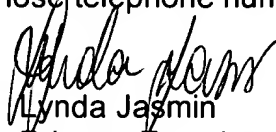
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.


Lynda Jasmin 12/21/03
Primary Examiner
Art Unit 3627